

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

970J0365

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 64** - 02/18/2004

Introduced by: Senators Schoenbeck, de Hueck, and Koskan and Representatives Madsen,
Garnos, and Juhnke

1 FOR AN ACT ENTITLED, An Act to permit the filing of an allegation of habitual criminality
2 after arraignment under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-7-11 be amended to read as follows:

5 22-7-11. ~~An~~ Any allegation that a defendant is an habitual criminal ~~must~~ shall be filed as
6 a separate information at the time of, or before, ~~his or her~~ arraignment. However, the court may,
7 upon motion, permit the separate information to be filed after the arraignment, but no less than
8 thirty days before the commencement of trial or entry of a plea of guilty or nolo contendere. The
9 information ~~must~~ shall state the times, places, and specific crimes alleged to be prior convictions
10 and ~~must~~ shall be signed by the prosecutor. An official court record under seal or a criminal
11 history together with fingerprints certified by the public official having custody thereof ~~will be~~
12 is sufficient to be admitted in evidence without further foundation to prove the allegation that
13 the defendant is an habitual criminal.

